IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 13089 of 2007(G)

PETITIONER:

M.SATISH KAMATH, NEAR S.A.TEMPLE,
MANJESHWAR.

BY ADV. SRI.N.GOVINDAN NAIR

RESPONDENTS:
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1. COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
KOZHIKODE.

2. THE PRESIDENT, COUNCIL OF TRUSTEES,
S.A.TEMPLE, MANJESHWAR.

3. CORPORATION BANK,
MANGALA DEVI TEMPLE ROAD,
MANGALORE - 575001.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, ALONG WITH WPC NO. 16525 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.P(C). NOS. 13089 & 16525 OF 2007
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Dated this the 4th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

Writ petition 16525/2007 has been preferred seeking a writ of mandamus directing the respondents to accord sanction to the proposals submitted by the trustees as per Exhibit P1, P1(a), P1 (b) and P1(c) forthwith and for other consequential reliefs. Counsel appearing for the petitioner referred to Exhibits P3 and P4 orders and sought for the same relief. A statement has been filed by the first respondent stating that request of the petitioner has to be routed through the Assistant Commissioner, Kasargod with all details required. It was pointed out that the application made by the petitioner is not in proper form and the same has been returned for resubmission. Counsel also refers to Ext.P2 judgment and sought for favourable order. Since the application has been returned by the Assistant Commissioner, we think it is appropriate that the petitioner shall submit a fresh application

before the Assistant Commissioner and he shall pass orders in accordance with law within a period of three months from the date of receipt of the application from the petitioner.

2. Writ petition 13089 of 2007 has been preferred seeking a writ of mandamus directing the respondent to take necessary action for recovery of 40 cents of land belonging to Srimad Anandeswara Temple, Manjeshwar, Kasargod District after quashing Ext.P3.

3. Learned Government Pleader submitted that the matter is under consideration of the Commissioner. The Commissioner should take appropriate action in accordance with law on the request made by the petitioner.

With the above direction, both the cases are disposed of.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp